

I oppose media concentration!

I am a graduate student at Cornell University, and I am writing to you today to comment on Docket No. 02-277, the Biennial Review of the FCC's broadcast media ownership rules. In promoting its supposed goals of fair competition, diversity and local voice in today's media market, I strongly believe that the FCC should retain all of the current media ownership rules now in question. These rules serve the public interest by limiting the market power of the huge, dominant companies and players in the broadcast industry.

I do not believe that the studies commissioned by the FCC accurately demonstrate, or even attempt to demonstrate, the negative effects that media deregulation and consolidation have had on the diversity of our media. While there may indeed be more sources of media than ever before, the spectrum of views presented has been severely limited. In particular I am submitting a response to the comments of the Fox/NBC/Viacom group, posted on the FCC comments site. I believe it is extremely important to address some of the issues brought forth in this set of comments.

The right to conduct an informed debate and discussion of current events is part of the founding philosophy of our nation. Our forefathers believed that democracy was renewed in the marketplace of diverse ideas. If the FCC allows our media outlets to merge and consolidate further, our ability to have an open, informed discussion from a wide variety of viewpoints will be compromised.

I urge the FCC to preserve the public interest by keeping the media ownership rules in question intact.

Also, I support the FCC's plan to hold a public hearing on this matter in Richmond, VA in February of 2003. I strongly encourage the Commission to hold similar hearings in all parts of the country and solicit the widest possible participation from the public. The rarified, lawyerly atmosphere of an FCC rulemaking is not an appropriate decision-making venue when questions as profound as the freedom of our media are at stake. I encourage the Commissioners to come out and meet some of the people who do not have a financial interest in this issue, but a social interest.

With the serious impact these rule changes will have on our democracy, it is important that the Commission take the time to review these issues more thoroughly and allow the American people to have a meaningful say in the process.

Included below is my formal response to the Fox/NBC/Viacom comment jointly submitted by them and posted on the FCC website.

Thank you,

Saadia Toor
[for the Prometheus radio group]

Case 02-277
Replies to the joint comments of Fox/NBC/Viacom

Fox/NBC/Viacom Comments:

Basic argument: that no regulation other than basic anti-trust laws is

needed to ensure the Commission's stated public interest goals of 'viewpoint diversity'.

The Joint Comment argues strongly against media-specific ownership rules, claiming that '[t]he overwhelming weight of the evidence suggests that today's extraordinarily vast and exceptionally diverse media marketplace provides more than enough competition to ensure that the Commission's policy goals [of an informed citizenry] will be met, even in the absence of media-specific ownership rules' (3) and that 'there is no longer any public interest need served by the Commission's media ownership rules'. (3). Later they make an even stronger case against these ownership rules stating that 'these media-specific ownership regulations actually undermine many of the FCC's public interest goals' (5).

We strongly agree with the Joint Commenters assertion that the Commission's definition of news programming as the only kind of programming which serves the public interest as problematic, and also agree that entertainment programming should be included in any analysis of the impact of communications media on consumers. Television in particular remains a crucial and important medium to which the vast majority of Americans have access - the study cited by the Joint Commenters to support their case regarding the diversity of media outlets chosen by Americans [Study #8] actually shows that broadcast television and radio [separately and together] in fact remain the most widely used media and thus their impact on the public is likely to be greater, and hence their responsibility vis a vis the public interest greater as well.

The Joint Commenters assert over and over again the fact that media diversity has increased in America over the past 10 or 20 years. Without going into details over the potentially problematic deployment of the concept of 'diversity' (in terms of number of stations and the range of types of media), we would like to put on record that we agree very broadly with this statement. [whether or not this purportedly exponential increase in the number and types of media outlets available to consumers translates in any meaningful fashion into a diversity of view-points is another issue entirely and one sorely in need of empirical investigation]. However, we support the Commission's stand that, in the absence of any better indicator/proxy for diversity of viewpoint, 'outlet diversity' remains an important policy goal. If anything, the burden of proof lies with those who would make the far more contentious claim [because it goes against common sense which is the beginning of all scientific hypothesis-testing] that the reverse is true - that a lack of outlet diversity would or could result in a diversity of viewpoints in the 'marketplace of ideas'. The Joint Commenters of course never make this claim explicitly, but it is the logical conclusion to their arguments that the Commission's commitment to ensuring outlet diversity is 1. archaic, 2. redundant, and 3. counterproductive.

The Joint Commenters argue that the fact that neither the Commission's terms of reference nor the conception of public interest and/or the role of radio and television was ever based on any kinds of empirical study or studies. We respectfully state that that may or may not have been the case, [although if we start to require the support of empirical studies to come up with such guidelines, the majority of the political and administrative framework of the country (including the constitution) would have to be scrapped], but the fact is that the counter-assertions which fill the Joint Commenters comments can be subject to the same critique.

The Comment is filled with assertions which masquerade as self-evident 'Truths', with no 'empirical studies' or data analysis to back it up. For instance, the Joint Commenters assert in very strong terms that various kinds of entertainment programmes have contributed to public awareness of issues of sexual orientation and race (the ones they cite are Will & Grace and Ellen for the former and The Cosby Show for the latter). While we do not disagree with their claim in general, it may be pointed out that this is, in sociological/statistical terms, a 'strong claim' which is not backed up by any study or data. In fact, in the case of the Cosby Show and All in the Family, the Joint Commenters claim that they "have broken down barriers by challenging racial stereotypes". Now, it is one thing to claim that they have 'challenged racial stereotypes', and quite another to claim that they 'broke down barriers'.

In order to make this assertion according to the terms and standards they themselves impose on the FCC, a study would have to be done which could prove a strong causal link between the airing of the Cosby Show and the breaking of racial barriers - however defined - in American society. We go into this with some detail because the Joint Commenters base their strongest arguments against the FCC's media regulations on the absence of any supporting empirical evidence.

They also assert that the Commission's existing conception of broadcast media (from which follow the idea of their role/responsibility in serving the public interest) is outdated because of the "extraordinary diversity and competitiveness of today's media marketplace" and the "astounding" savvy and access of consumers to this dizzying array of media choices. The Joint Commenters' arguments assume that forms of media are completely substitutable [didn't one of the studies find otherwise? I have to check this] and that all citizens/members of the public have equal access to them in order to be able to exercise their agentic powers of choice. In doing so they posit/assume an ideal and homogenous consumer without regard to crucial factors such as income which limit the choice of esoteric and expensive media such as Satellite TV, Cable, and the internet. '[T]he modern media marketplace is so ferociously competitive and extraordinarily diverse that these policy goals will be automatically satisfied as a matter of course through the operation of market forces and competition laws' (6).

The question to ask here is, of course, if the main and only concern is that the FCC's media-ownership rules perform the same function that anti-trust laws do, that is they are redundant, and if we suppose that the market is (better) able to ensure diversity through competition, then why are these big players in the broadcasting industry so concerned about repealing them? The answer, of course, lies in the fact that the anti-trust laws and media-ownership rules do not perform the exact same function.

For one, information is not just 'another commodity' which we can 'entrust' to the (deregulated) market to allocate and price 'optimally'. To begin with, the idea that market forces are capable of allocating anything 'appropriately' and optimally is an extremely contentious statement (highly subjective, for one - 'optimality' is not an objective and absolute state, and the highly touted 'efficiency' of the marketplace relies on an extremely narrow definition of 'efficiency' as it is used within neoclassical economics. It bears no resemblance to the common-sense use of the word, which is why it has been such a successful means of

convincing the people to believe in the wonderful magic of the market as a matter of unquestioned faith rather than scientific or empirical fact) which relies completely on the a priori assumptions of neoclassical economics – assumptions which have very little empirical support, especially when it comes to the allocation and pricing of public goods, which we argue that information is. It is also naïve at best and dangerous at worst to posit a ‘marketplace of ideas’ as a parallel to the economic market as Dr Owen’s commissioned analysis does. Conceptualising the circulation of ideas and the consolidation of hegemonic positions and opinions (ideologies) as a ‘marketplace’ leads one to spurious and nonsensical conclusions about how ideas work, how they influence action and choice [public interest issues directly related to media and hence the reason why the FCC’s media-specific rules are not only not redundant, but necessary], shape identities and needs/demands and influence political decision-making. The Joint Commentors’ and their commissioned economic expert’s simplistic approach to these issues sounds uninformed at best, and disingenuous at worst. If the Joint Commentors (and the FCC for that matter) were/are really interested in the role of ideas in society, the role of media in disseminating ideas and the politics of this process, they need have looked no further than the mass of sociological and behavioural-psychological research on precisely these issues. Since many of these studies have over time become a part of public discourse, the fact that both the FCC and the Joint Commentors appear to not only have no knowledge of them, but to be oblivious to the existence of social scientists other than economists, does not inspire confidence in their expertise or their interests. As the main comment from the Prometheus Radio Project has pointed out, ‘public interest’ is a more important and broad thing than Mr Powell’s (re)definition of it – as nothing more than ‘consumer choice’ – would have it. If the public interest is indeed about ‘promoting an informed citizenry’ as a precondition to ‘a well-functioning democracy’ as the FCC’s Notice claims (as cited by the Joint Comment, pp 6-7, footnote 17), then simply using and referring to extremely narrow and inadequate studies by economists (as the FCC and the Joint Commenters both do) is simply bad social science.

While on the topic of the inadequacies of the commissioned media studies, may it also be pointed out that all the studies dealing with the content of media (as opposed to the availability and use) so as to make claims about the choice available to consumers rely exclusively on ‘content-analysis’, and that too of a questionable sort. There is no study which looks at how people/consumers actually perceive this ‘choice’, or even what their opinion is regarding the ‘astonishing’ variety of information and entertainment options they purportedly have, leave alone linking this with any kind of change in media ownership matters.

At another place, the Joint Commenters assert that certain other kinds of non-‘news’ programming also contributes to ‘viewpoint diversity’ (which we agree with on principle): ‘the Joint Commenters believe that these programs undoubtedly contribute to viewpoint diversity’. (9) The words ‘believe’, and ‘undoubtedly’ are hardly a substitute for the kind of rigorous empirical evidence they seem to require of the FCC and its goals. Thus if the Joint Commenters are allowed to assert their ‘beliefs’ in such strong language, why is the FCC not similarly allowed to do so?

The increasing availability and use of the internet (again, this data is always in aggregate form making it impossible to understand if there are any demographic patterns defining this internet use) for news is used in

order to argue that media regulation is no longer needed in order to ensure a diversity of opinions and views (19 - 24). The 'low cost of entry' is cited as 'proof' that the internet offers an infinite range of views. But there is no study to show us what sites people frequent for their news, and even a random informal survey will reveal that branding is an important factor here as well. Most people use the internet versions or sites of well-known 'news-providers' with a heavy brand-name presence on the internet as elsewhere - CNN, New York Times, etc. The Joint Commenters claim that the internet has become a powerful and influential tool for democracy and political change because of its low-cost of entry and easy accessibility. As proof they cite the case of Senator Trent Lott's resignation: 'Just last month, for instance, the internet played a crucial role in the downfall of the majority leader of the United States Senate by disseminating the story surrounding Senator Lott's recent controversial remark at Strom Thurmond's 100th birthday party'. (22). That may well have been the case, but we would also like to point out that the Internet is a tool which is used in a highly self-selected manner by users - just because a certain kind of view or opinion is available somewhere on the internet does not mean that internet users are necessarily being exposed to it. As an example, let us give the case of the contemporary anti-war movement in the United States as well as the rest of the world, the magnitude of which has been consistently under-reported in the mainstream news media. The information on it is available at indymedia websites and international news media sites such as the BBC and The Guardian, but most Americans do not choose these sites, and hence do not get exposed to the 'diversity' of opinion and news that the internet does, indeed, have to offer. Thus the mere presence of this diversity is not enough to claim that people are actually getting a range of views.

'Interpersonal communication'

Another way the Joint Commenters try to argue for the redundancy of media-specific regulations is to undermine the entire assumption that the media in any way influences public opinion. This they do by claiming that most people continue to give priority to 'word of mouth' and on the opinion of their friends and family in forming their opinions and choices (24). They claim that 'studies...have long concluded that "personal influence [is] both more frequent and more effective than any of the mass media, not only in politics but also in marketing, fashion decisions, and movie attendance"'. While we are sympathetic to the idea that 'people do not simply adopt wholesale the messages they may see or hear from the mass media but are greatly influenced by the input they receive from other people in their immediate circles', this does not mean that the media are not an important shaper of public opinion and do not have the power to shape these and other kinds of choices people make. How that process works is clearly complex, but that hardly supports the claim that the media are redundant! After all, the people whose opinions are being solicited are also part of the same society and subject to the same influences - their 'choices' are not made in a vacuum! In any case, if the Joint Commenters sincerely believe their own assertions, then can they continue, in all good faith, to solicit advertising revenue? And make news programmes? What is the purpose of the media if we decide that it is no longer an important means of disseminating information and shaping opinions?

The Comment is full of such non-sequeters and unsupported or inadequately supported claims about the 'new' conditions under which media are

operating today which make it unnecessary for the FCC to worry about
Â'veiewpoint diversityÂ'. The bottom line, however, is that they fail to
produce any hard evidence Â- even through their own commissioned study Â-
that supports their claim that media-specific rules and regulations are
either redundant or counter-productive. What they do make very clear is
just how much is at stake for media corporations such as the Joint
Commenters in trying to make these claims stick.